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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,816	10/12/2001	Sharon R. Gargano	3951-4002	9192

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EXAMINER
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COBY, FRANTZ

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 05/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/975,816

Applicant(s)

GARGANO ET AL.

Examiner

Frantz Coby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-115 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-115 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

This is in response to Applicant's response received on February 24, 2004.

***Response to Arguments***

Applicant's arguments filed on the aforementioned date have been fully considered but they are not persuasive. Therefore, the rejection under section 102 mailed on November 24, 2003 remains.

***Claim Rejections – 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-115 are rejected under 35 U.S.C. '102(e) as being anticipated by

Parker US Publication No. 2003/0207245 A1.

As per claim 1, Parker discloses "a system for delivery of online content" by providing a method and system for providing online; distance learning (See Parker Title and Abstract). In particular, Parker discloses the claimed features of "a server computer" (Figure 1, Component 106 and corresponding text) including "a hierarchical database" (Figure 1, component 114 and corresponding text). Also, Parker discloses the claimed limitations of "receive information for inclusion in the hierarchical database"; "search information contained in the hierarchical database

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at multiple levels in the hierarchical database"; retrieve information contained in the hierarchical database identified as a result of a search" by allowing a TA to search for a thread of information throughout a course, in response the system would identify the modules associated with the TA's search term (See Parker Page 5, Section 0068). Last, Parker discloses the claimed limitations of "build content: from information received for inclusion in hierarchical database and from information retrieved from the hierarchical database" by allowing a TA to reorder modules retrieve and query submitted from a search into a customized course (See Parker Abstract; Page 1, Section 0009; Page 5-6, Section 0068).

As per claim 2, most of the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Parker discloses "objects which represents units of information" as a module which is the smallest teaching unit (See Parker Page 2, Section 0028) and "one larger unit of information which represent a grouping of objects" by providing categories of topics (See Parker Page 2, Section 0033).

As per claim 3-6, most of the limitations of this claim have been noted in the rejection of claim 2. Applicant's attention is directed to the rejection of claim 2 above. In addition, Parker discloses the claimed features of "the larger unit of information represents "a concept"; "a topic"; "a course": "a series" (See Parker Page 2, Sections 0028-0033).

As per claim 7-11, most of the limitations of this claim have been noted in the rejection of claim 2. Applicant's attention is directed to the rejection of claim 2 above. In addition, Parker discloses information in the database can be searched "at the object level"; "the concept level"; "the topic level"; "the course level"; and "the series level" by providing a search mechanism such as a search engine that allows the database 114 to be searched at every level of the database (See Parker Page 5, Section 0066-0067).

As per claim 12, most of the limitations of this claim have been noted in the rejection of claim 7. Applicant's attention is directed to the rejection of claim 2 above. In addition, Parker discloses the claimed limitations of "wherein the information identified as a result of the search can be previewed" by providing an application server 108 which causes the graphical depiction of search results identified by the search engine (See Parker Page 5 Section 0066).

As per claim 13-17, most of the limitations of this claim have been noted in the rejection of claim 2. Applicant's attention is directed to the rejection of claim 2 above. In addition, Parker discloses content is built from information retrieved from "the object level"; "the concept level"; "the topic level"; "the course level"; and "the series level" by providing a search mechanism such as a search engine that allows the database 114 to be searched at every level of the database. Based on

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the search result, the TA may then select and reorder those modules into a customized course (See Parker Page 5-6, Section 0066-0068).

As per claims 18-19, most of the limitations of these claims have been noted in the rejection of claim 2. Applicant's attention is directed to the rejection of claim 2 above. In addition, Parker discloses information contained in the database can be classified as part of an object or larger unit of information; wherein there are various typed of objects and the objects can be searched by type (See Parker Page 2, Sections 0028-0033).

As per claim 20-22, most of the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Parker discloses administrative functions, such as adding users (See Parker Page 2, Sections 0034-0035) and monitoring workflow (See Parker Pages 4-5, Sections 0057- Sections 00561).

As per claim 23, most of the limitations of this claim have been noted in the rejection of claim 7. Applicant's attention is directed to the rejection of claim 2 above. In addition, Parker discloses the claimed limitations of "wherein the system is used for the delivery of on-line courses" by providing an online distance learning system that allows online course to be delivered to a user through a network communication (See Parker, Title, Abstract, Figure 1 and corresponding text).

As per claim 24, most of the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Parker discloses a program computer including "a memory"; "a processor" primarily incorporated in the computers connected to the network of Parker (Figure1); and codes for implementing an online distance learning system (See Parker Title, Abstract).

As per claims 25-46, all the Limitations of these claims have been noted in the rejection of claims 2-23. They are therefore rejected as set forth above.

As per claim 47, all the limitations of this claim have been noted in the rejection of claim 1 since Parker discloses both a method and system (See Parker Abstract). It is therefore rejected as set forth above.

As per claims 48-69, all the limitations of these claims have been noted in the rejection of claims 2-23. They are therefore rejected as set forth above.

As per claim 70, most of the limitations of this claim have been noted in the rejection of claim 24. Applicant's attention is directed to the rejection of claim 24 above. In addition, Parker discloses the claimed feature of "computer executable software code stored on a computer readable medium" by providing the course

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content and application software to a user on an electronic storage medium such as a CD-ROM (See Parker Page 2, Section 0025).

As per claims 71-92, all the limitations of these claims have been noted in the rejection of claims 2-23. They are therefore rejected as set forth above.

As per claim 93, most of the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, Parker discloses "an apparatus for delivery of online content" by providing utilizing the Internet as well as a Local Area Network to deliver online course (See Parker Figure 1 and corresponding text).

As per claims 94-115, all the limitations of these claims have been noted in the rejection of claims 2-23. They are therefore rejected as set forth above.

#### ***Remarks***

Te Applicant argued: "There is no disclosure in Parker of a method and system to search or manipulate information at anything other than the module level" and that the claim limitations, which require searchability and manipulation (i.e. building content) of information at "multiple levels in a hierarchical database" and more specifically at an "object" level and "a group of objects" level are not disclosed by Parker. However the Examiner disagrees with the preceding arguments because, besides of Parker's



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methodology to search at the module level, Parker specifically provides a hierarchical environment including various levels or tiers of enrollment, where enrollments can be search at different level or tiers in the hierarchical database (See Parker Pages 2-3, Section 0036).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 703 305-4006. The examiner can normally be reached on Maxi-Flex (Monday-Saturday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Frantz Coby  
Primary Examiner  
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May 10, 2004